

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WALTER KENNEDY DENNIS,

Petitioner,

v.

J. UTTECHT,

Respondent.

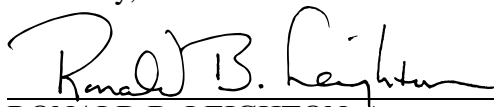
Case No. C06-5575RBL

ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED PRIOR TO SERVICE**. The petition is time barred, procedurally barred, and without merit as Blakely v Washington, 542 U.S. 296 (2004) does not apply retroactively.
- (3) The clerk is directed to send copies of this Order to Petitioner, counsel for respondent, and to the Hon. J. Kelley Arnold.

DATED this 18th day of January, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE